

10/11/2021

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

Vs.

Gilberto Garcia III

CRIMINAL COMPLAINT

Case Number: C-21-1269M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 10, 2021 in Kenedy County, in the Southern District of Texas, defendant, **Gilberto Garcia III**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Adam S. Nichols

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

October 11, 2021

Date

Julie K. Hampton U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

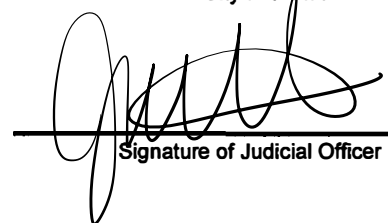
City and State



Signature of Complainant

Adam S. Nichols

Printed Name of Complainant



Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

FACTS/DETAILS:

On October 10, 2021, at approximately 4:35 p.m., a grey Ford Expedition approached the primary inspection lane of the United States Border Patrol Immigration Checkpoint near Sarita, Texas. The primary agent began to question the driver, later identified as Gilberto Garcia III. Garcia confirmed he is a United States citizen. The primary agent asked the three additional occupants if they were United States citizens. The primary agent observed the passengers staring at him and unable to answer the question. The primary agent then asked Garcia who the passengers were. Garcia stated they were his family, and he was taking them to Houston, Texas. The primary agent continued his immigration questioning and determined the three occupants were illegally present in the United States. Garcia and the illegal aliens were placed under arrest and escorted into the checkpoint for further investigation.

All individuals were read their Miranda Rights in their preferred language and signed stating they understood their rights. All individuals were willing to provide a statement to agents without an attorney present.

PRINCIPAL STATEMENT (Gilberto Garcia III):

Garcia stated he picked up the aliens in Brownsville, Texas and was to take them to Houston, Texas. Garcia admitted to knowing the people were illegally present in the United States. Garcia stated he was to be paid for the transportation once he reached Houston, Texas. Garcia stated he has smuggled aliens on previous occasions.

MATERIAL WITNESS STATEMENT (Nest Antunez-Morales):

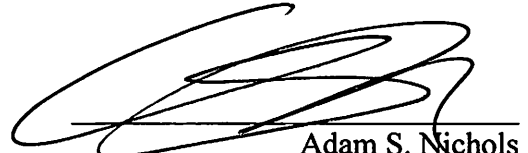
Antunez admitted to being a citizen of Mexico and illegally entered the United States on September 29, 2021, near Brownsville, Texas. Antunez stated he was taken to a trailer where he stayed for approximately one and a half weeks. Antunez stated on today's date (October 10, 2021) he was picked up by Garcia in the vehicle he was arrested in. Antunez stated Garcia instructed everyone where to sit in the vehicle and what to say to agents when they arrived at the checkpoint. Antunez stated he was to be dropped off in Houston, Texas and he had paid \$9,000 to be smuggled into the United States.

MATERIAL WITNESS STATEMENT (Ruth Montes De Oca-Reyes):

Montes stated she is a citizen of Mexico and illegally entered the United States on September 29, 2021. Montes stated she was taken to a trailer where she has stayed for approximately one and a half weeks. Montes stated on today's date she was picked up by an unknown man in the vehicle she was arrested in. Montes stated the vehicle pulled over on the side of the road. The unknown man exited the vehicle and Garcia began driving the vehicle until they reached the checkpoint.

DISPOSITION:

The facts of this case were presented to the Assistant United States Attorney Office who accepted Gilberto Garcia III for prosecution of 8 USC 1324, Alien Smuggling. Nestor Antunez-Morales and Ruth Montes De Oca-Reyes will be held as material witnesses.


Adam S. Nichols
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on this day October 11, 2021.


Julie K. Hampton
United States Magistrate Judge